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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability company; REARDEN PRODUCTIONS LLC, a California limited liability company; REARDEN STUDIOS LLC, a California limited liability company; REARDEN, INC., a California corporation; and REARDEN PROPERTIES LLC, a California limited liability company,

Plaintiffs,

v.

REARDEN COMMERCE, INC., a California corporation, and DOES 1 through 150, inclusive,

Defendants.

Case No. C 06-07367 MHP

**STIPULATION AND  
~~PROPOSED~~ ORDER  
 MODIFYING COURT'S ORDER  
 OF AUGUST 23, 2010 STAYING  
 EXECUTION OF JUDGMENT  
 AND APPROVING POSTING OF  
 SUPERSEDEAS BOND**

Dept.: Courtroom 15, 18th Floor  
 Before: Hon. Marilyn H. Patel

1 The parties, through their respective undersigned counsel, hereby stipulate pursuant to  
2 Local Rule 7-12 and Federal Rule of Civil Procedure 62(d) as follows:

3 WHEREAS, on August 20, 2010, the parties filed a stipulation and proposed order with  
4 this Court to stay execution of judgment for payment of costs upon posting of supersedeas bond  
5 (Dkt. 288);

6 WHEREAS, the stipulation stated that immediately upon the filing by Plaintiffs of a  
7 supersedeas bond in an amount of not less than \$35,770.12, the judgment for costs in the amount  
8 of \$35,770.12 shall be entered in favor of Defendant Rearden Commerce, payment of which to  
9 Defendant by Plaintiffs shall be stayed pursuant to FRCP 62(d), until the mandate is issued by the  
10 United States Court of Appeals for the Ninth Circuit;

11 WHEREAS, on August 23, 2010, the Court approved the parties' stipulation;

12 WHEREAS, the parties request that the Court modify the August 23, 2010 order to allow,  
13 as an alternative, that Plaintiffs may in lieu of the supersedeas bond deposit with the court cash  
14 collateral in an amount of not less than \$35,770.12;

15 IT IS HEREBY STIPULATED that:

16 The Order of August 23, 2010, may be modified to read as follows: "Immediately upon  
17 the filing by Plaintiffs of a supersedeas bond in an amount of not less than \$35,770.12, **or upon**  
18 **the deposit with the Court of cash or certified funds in an amount of not less than**  
19 **\$35,770.12**, the judgment for costs in the amount of \$35,770.12 shall be entered in favor of  
20 Defendant Rearden Commerce, payment of which to Defendant by Plaintiffs shall be stayed  
21 pursuant to FRCP 62(d), until the mandate is issued by the United States Court of Appeals for the  
22 Ninth Circuit."

1 Dated: August 30, 2010

MORRISON & FOERSTER LLP

2  
3 By: /s/ Douglas L. Hendricks  
DOUGLAS L. HENDRICKS

4 Attorneys for Plaintiffs

5 Dated: August 30, 2010

GREENBERG TRAURIG LLP

6  
7 By: /s/ Kevin J. O'Shea  
KEVIN J. O'SHEA

8 Attorneys for Defendant  
9  
10

11 I, Douglas L. Hendricks, am the ECF User whose ID and password are being used to file  
12 this **STIPULATION AND [PROPOSED] ORDER MODIFYING COURT'S ORDER OF**  
13 **AUGUST 23, 2010 STAYING EXECUTION OF JUDGMENT AND APPROVING**  
14 **POSTING OF SUPERSEDEAS BOND.** In compliance with General Order 45, X.B., I hereby  
15 attest that Kevin J. O'Shea has concurred in this filing.

16 Dated: August 30, 2010

MORRISON & FOERSTER LLP

17  
18 By: /s/ Douglas L. Hendricks  
DOUGLAS L. HENDRICKS

19 Attorneys for Plaintiffs  
20  
21

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 8/31, 2010

24  
25   
26 THE HON. MARILYN H. PATEL  
27 U.S. DISTRICT COURT JUDGE  
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